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November 20, 2007

BY FACSIMILE – (212) 805-0426

Honorable Laura T. Swain
United States District Judge
Southern District of New York
500 Pearl Street, Room 755
New York, NY 10007

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing or otherwise delivering promptly a copy to all counsel and unrepresented parties and filing a certificate of such service within 5 days from the date hereof. Do not fax such certification to Chambers.

Re: *Ortega et al. v. City of New York, et al.*, 07-CV-9688(LTS)(RLE)

Dear Judge Swain:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendant City of New York. I am writing with the consent of plaintiff's counsel, Jon L. Norinsberg, Esq., to request a sixty-day enlargement of time, from November 23, 2007 to January 22, 2008, within which this office may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time in this action.

In the complaint, the plaintiffs allege, *inter alia*, violations of their constitutional rights under the First, Fourth, Fifth and Fourteenth Amendments, when they were allegedly falsely arrested by police officers, unlawfully strip searched and maliciously prosecuted on those criminal charges. In addition to the City of New York, plaintiffs also name Detective Angel Daliz as a defendant. The civil docket sheet for this matter indicates that Detective Daliz has been served and the affidavit of service has been filed with the Court.¹ There are several reasons

¹ This office does not currently represent Detective Angel Daliz, but, since it appears that he was properly served, this Office also respectfully requests this extension on his behalf in order that his defenses are not jeopardized while representational issues are being decided.

Faxed
Copies mailed to Defts COUNSEL
Chambers of Judge Swain 11-21-07

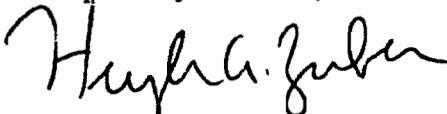
for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we will be forwarding to plaintiffs for execution a consent to the designation of the Corporation Counsel as plaintiffs' agent for release of records sealed pursuant to New York Criminal Procedure Law § 160.50. Pursuant to § 160.50, all official records concerning the arrest of plaintiffs have been sealed upon the termination of the criminal matter. Defendant cannot obtain these records without the designation, and without the records, defendant cannot properly assess this case or respond to the complaint.

Second, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent other individually named defendants. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

Accordingly, we respectfully request that: 1) defendants be granted a sixty day enlargement of time, from November 23, 2007 to January 22, 2008, to answer or otherwise respond to the complaint.

Thank you for your consideration of this matter.

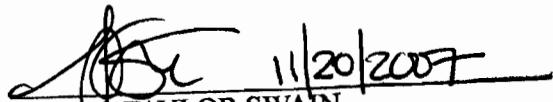
Respectfully submitted,



Hugh A. Zuber (HZ 4935)
Assistant Corporation Counsel
Special Federal Litigation Division

The request is granted.

SO ORDERED.



11/20/2007

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE